



**STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER & WASTE MANAGEMENT
414 SUMMERS STREET, SECOND FLOOR
CHARLESTON, WV 25301**

**GENERAL
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WATER POLLUTION CONTROL PERMIT**

Permit No.:	WV0113069	Issue Date:	September 1, 2003
Subject:	Hydrostatic Testing Water (Newly constructed pipeline)	Effective Date:	October 1, 2003
		Expiration Date:	August 31, 2008
		Supersedes:	WV0113069 Issued June 1, 1993

To whom it may concern:

This is to certify that any establishment with discharges composed entirely of water associated with hydrostatic testing of newly constructed pipelines and agreeing to be regulated under the terms of this general permit, except for:

1. This permit does not apply to water from testing of newly constructed pipelines which will convey chemicals other than crude oil, refined oil, or natural gas.

is hereby granted coverage under this General NPDES Water Pollution Control Permit to allow hydrostatic testing water discharges into waters of the State.

This permit is subject to the following terms and conditions:

The information submitted on and with the site registration application form will hereby be made terms and conditions of the permit with like effect as if all such information were set forth herein, and other conditions set forth in Sections A, B and Appendix A.

A.1 Discharge Limitations and Monitoring Requirements: Projects utilizing waters of the State as source waters.

During the period beginning effective date of permit and lasting through midnight expiration date of permit, the permittee is authorized to discharge from Outlet Number(s): *

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirements	
	(Quantity) lbs/day		Other Units (specify)			Measurement Frequency	Sample Type
	Avg. Monthly	Max Daily	Avg. Monthly	Max Daily			
Flow	N/A	N/A	N/A	Monitor	MGD	1/discharge	**
Oil and Grease	N/A	N/A	N/A	Monitor	mg/l	1/discharge	***
Total Suspended Solids	N/A	N/A	N/A	Monitor	mg/l	1/discharge	***

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMR's. Also See B.1.

** The total amount of water discharged shall be reported.

*** See B.2 and B.5.

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Discharge by grab sample.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the discharge from the pipeline segment undergoing hydrostatic testing.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.2 Discharge Limitations and Monitoring Requirements: Projects utilizing chlorinated potable water supply as source water with discharge to trout waters.

During the period beginning effective date of permit and lasting through midnight expiration date of permit, the permittee is authorized to discharge from Outlet Number(s): *

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>		
	(Quantity) lbs/day	Other Units (specify)			Measurement	Sample	
	<u>Avg. Monthly</u>	<u>Max Daily</u>	<u>Avg. Monthly</u>	<u>Max Daily</u>	<u>Frequency</u>	<u>Type</u>	
Flow	N/A	N/A	N/A	Monitor	MGD	1/discharge	**
Oil and Grease	N/A	N/A	N/A	Monitor	mg/l	1/discharge	***
Total Suspended Solids	N/A	N/A	N/A	Monitor	mg/l	1/discharge	***
Total Residual Chlorine	No Chlorinated Discharge Allowed			0	ug/l	1/discharge	Grab
Chloroform	N/A	N/A	N/A	1.24	mg/l	1/discharge	****

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMR's. Also See B.1.

** The total amount of water discharged shall be reported.

*** See B.2 and B.5.

**** See B.2.

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Discharge by grab sample.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the discharge from the holding pond or dechlorination unit, as applicable.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.3 Discharge Limitations and Monitoring Requirements: Projects utilizing chlorinated potable water supply as source water with discharge to warmwater fisheries.

During the period beginning effective date of permit and lasting through midnight expiration date of permit, the permittee is authorized to discharge from Outlet Number(s): *

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>		
	(Quantity) <u>Avg. Monthly</u>	lbs/day <u>Max Daily</u>	Other Units (specify) <u>Avg. Monthly</u> <u>Max Daily</u>			<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	N/A	N/A	N/A	Monitor	MGD	1/discharge	**
Oil and Grease	N/A	N/A	N/A	Monitor	mg/l	1/discharge	***
Total Suspended Solids	N/A	N/A	N/A	Monitor	mg/l	1/discharge	***
Total Residual Chlorine	N/A	N/A	N/A	11	ug/l	1/discharge	Grab
Chloroform	N/A	N/A	N/A	1.24	mg/l	1/discharge	****

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMR's. Also See B.1.

** The total amount of water discharged shall be reported.

*** See B.2 and B.5.

**** See B.2.

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Discharge by grab sample.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the discharge from the pipeline segment undergoing hydrostatic testing.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.4 Discharge Limitations and Monitoring Requirements: Projects utilizing chlorinated potable water supply as source water with discharge to Public A waters.

During the period beginning effective date of permit and lasting through midnight expiration date of permit, the permittee is authorized to discharge from Outlet Number(s): *

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>		
	(Quantity) <u>Avg. Monthly</u>	lbs/day <u>Max Daily</u>	Other Units (specify) <u>Avg. Monthly</u> <u>Max Daily</u>			<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	N/A	N/A	N/A	Monitor	MGD	1/discharge	**
Oil and Grease	N/A	N/A	N/A	Monitor	mg/l	1/discharge	***
Total Suspended Solids	N/A	N/A	N/A	Monitor	mg/l	1/discharge	***
Chloroform	N/A	N/A	N/A	0.19	ug/l	1/discharge	****

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMR's. Also See B.1.

** The total amount of water discharged shall be reported.

*** See B.2 and B.5.

**** See B.2.

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Discharge by grab sample.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the discharge from the pipeline segment undergoing hydrostatic testing.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

B. OTHER REQUIREMENTS

1. Each segment of pipeline tested, which results in a separate discharge, shall be considered as an individual outlet.
2. The samples collected for analysis of Total Suspended Solids and Chloroform shall consist of three (3) equal volume grab samples composited into one (1) sample. The initial grab sample shall be taken within fifteen (15) minutes of the discharge. The second sample shall be taken at least fifteen (15) minutes after the initial grab and at least fifteen (15) minutes before the final grab. For discharges less than forty-five (45) minutes duration, initial and final grab samples only shall be collected and composited. For Oil & Grease, a grab sample shall be collected within the first fifteen (15) minutes of discharge. The results shall be reported in the appropriate sections of the DMR.
3. At least seven (7) days prior to commencing any discharge, the permittee shall notify the appropriate Regional Office of Environmental Enforcement (EE) according to the following list:

Northwest Region – (304) 368-3960

Harrison, Taylor, Monongalia, Marion, Tyler, Pleasants, Ritchie, Doddridge, Wetzel, Barbour, Upshur and Lewis Counties.

Wheeling Satellite Office – (304) 238-1075

Ohio, Marshall, Hancock and Brooke Counties.

Northeast Region – (304) 822-3551

Preston, Tucker, Pendleton, Grant, Randolph, Pocahontas, Jefferson, Berkeley, Morgan, Mineral, Hampshire and Hardy Counties.

Southwest Region – (304) 757-1693

Kanawha, Putnam, Logan, Mingo, Boone, Lincoln, Wayne, Cabell and Mason Counties.

Parkersburg Satellite Office – (304) 420-4635

Calhoun, Roane, Gilmer, Wirt, Wood and Jackson Counties.

Southeast Region – (304) 465-1919

Wyoming, Fayette, Monroe, Summers, Greenbrier, Nicholas, Clay, Webster, Braxton, Raleigh, McDowell and Mercer Counties.

EE shall be apprised of the date, time and precise location of the discharge.

B. OTHER REQUIREMENTS (Continued)

4. The Sediment and Erosion Control Plan submitted with the site registration form shall become an enforceable part of this permit once coverage is granted under this permit. The Sediment and Erosion Control Plan may be changed or amended only upon submission of an amended plan and approval from the Division of Water and Waste Management (DWWM).
5. Based upon the review of the data submitted, this monitoring requirement may be subject to modification for the implementation of technology or water quality based limitations.
6. The permittee shall promptly notify the DWWM in writing of the completion of the hydrostatic testing project and of compliance with the requirements of the Sediment and Erosion Control Plan. Coverage under this general permit shall automatically terminate upon receipt of this notification. Failure to submit this notice may result in the assessment of an annual permit fee.

7. Facilities Discharging to 303(d) Streams

Permittees discharging pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by EPA are not eligible for coverage under this general permit, unless the permit conditions of this general permit are consistent with the assumptions and requirements of such TMDL. Therefore, the permittee must submit an NPDES application to West Virginia Department of Environmental Protection for coverage under an individual NPDES permit. The permittee should consult with the State or EPA TMDL authority to confirm if his/her facility is subject to an approved TMDL.

8. Endangered and Threatened Species

If a site discharges to a stream where a Federally endangered or threatened species or its habitat are present, the applicant should contact the US Fish and Wildlife Service to insure that requirements of the Federal Endangered Species Act are met.

The herein-described activity is to be constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit, with any plans, specifications and information submitted with the individual site registration application form, with any plan of maintenance and method of operation thereof submitted and with any applicable rules and regulations promulgated by the Environmental Quality Board and the Secretary of the Department of Environmental Protection.

Failure to comply with the terms and conditions of this permit, with any plans, specifications and information submitted, and with any plan of maintenance and method of operation thereof submitted shall constitute grounds for the revocation or suspension of this permit to any individual establishment or other person and for the invocation of all the enforcement procedures set forth in Chapter 22, Article 11, or 15 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Articles 11 and 12 and/or 15 of the Code of West Virginia and is transferable under the terms of Section 11 of Article 11.

By: _____
Director

WRD 2A-82

STATE OF WEST VIRGINIA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE MONITORING REPORT

GEN. PMT. REG. NO. WVG67XXXX

For Section A.1. Discharges

FACILITY NAME: _____

COMMERCIAL LABORATORY NAME: _____

LOCATION OF FACILITY: _____

COMMERCIAL LABORATORY ADDRESS: _____

PERMIT NUMBER: WV113069 OUTLET NUMBER: 001WASTELOAD FOR THE MONTH OF: 20

INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter		Quantity					Other Units					Measurement Frequency	Sample Type
		Minimum	Avg. Monthly	Max Daily	Units	N.E.	Minimum	Avg. Monthly	Max Daily	Units	N.E.		
Flow 50050	Reported				lb/day				MGD				
	Permit Limitation	N/A	N/A	N/A			N/A	N/A		Monitor		1/discharge	**
Oil and Grease 00556	Reported				lb/day				mg/l				
	Permit Limitation	N/A	N/A	N/A			N/A	N/A		Monitor		1/discharge	***
Total Suspended Solids 00530	Reported				lb/day				mg/l				
	Permit Limitation	N/A	N/A	N/A			N/A	N/A		Monitor		1/discharge	***
pH 00400	Reported								S.U.				
	Permit Limitation	N/A	N/A	N/A			6.0	N/A		9.0		1/discharge	Grab
	Reported												
	Permit Limitation												
	Reported												
	Permit Limitation												
				I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.									
Name of Principle Executive Officer									Date Completed				
Title of Officer									Signature of Principal Executive Officer or Authorized Agent				

WRD 2A-82

STATE OF WEST VIRGINIA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE MONITORING REPORT

GEN. PMT. REG. NO. WVG67XXXX

For Section A.2. Discharges

FACILITY NAME: _____ COMMERCIAL LABORATORY NAME: _____

LOCATION OF FACILITY: _____ COMMERCIAL LABORATORY ADDRESS: _____

PERMIT NUMBER: WV113069 OUTLET NUMBER: 001WASTELOAD FOR THE MONTH OF: 20

INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter		Quantity					Other Units					Measurement Frequency	Sample Type
		Minimum	Avg. Monthly	Max Daily	Units	N.E.	Minimum	Avg. Monthly	Max Daily	Units	N.E.		
Flow 50050	Reported				lb/day					MGD			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor			1/discharge	**
Oil and Grease 00556	Reported				lb/day					mg/l			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor			1/discharge	***
Total Suspended Solids 00530	Reported				lb/day					mg/l			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor			1/discharge	***
pH 00400	Reported									S.U.			
	Permit Limitation	N/A	N/A	N/A			6.0	N/A	9.0			1/discharge	Grab
Total Residual Chlorine 50060	Reported									mg/l			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	0			1/discharge	Grab
Chloroform 32106	Reported									mg/l			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	1.24			1/discharge	****

Name of Principle Executive Officer	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.		
		Date Completed	
		Signature of Principal Executive Officer or Authorized Agent	

WRD 2A-82

STATE OF WEST VIRGINIA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE MONITORING REPORT

GEN. PMT. REG. NO. WVG67XXXX

For Section A.3. Discharges

FACILITY NAME: _____ COMMERCIAL LABORATORY NAME: _____

LOCATION OF FACILITY: _____ COMMERCIAL LABORATORY ADDRESS: _____

PERMIT NUMBER: WV113069 OUTLET NUMBER: 001WASTELOAD FOR THE MONTH OF: 20

INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter		Quantity					Other Units					Measurement Frequency	Sample Type
		Minimum	Avg. Monthly	Max Daily	Units	N.E.	Minimum	Avg. Monthly	Max Daily	Units	N.E.		
Flow 50050	Reported				lb/day					MGD			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor			1/discharge	**
Oil and Grease 00556	Reported				lb/day					mg/l			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor			1/discharge	***
Total Suspended Solids 00530	Reported				lb/day					mg/l			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor			1/discharge	***
pH 00400	Reported									S.U.			
	Permit Limitation	N/A	N/A	N/A			6.0	N/A	9.0			1/discharge	Grab
Total Residual Chlorine 50060	Reported									ug/l			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	11			1/discharge	Grab
Chloroform 32106	Reported									mg/l			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	1.24			1/discharge	****

	<p style="text-align: center;">I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.</p>	
Name of Principle Executive Officer		Date Completed
Title of Officer		Signature of Principal Executive Officer or Authorized Agent

WRD 2A-82

STATE OF WEST VIRGINIA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE MONITORING REPORT

GEN. PMT. REG. NO. WVG67XXXX

For Section A.4. Discharges

FACILITY NAME: _____

COMMERCIAL LABORATORY NAME: _____

LOCATION OF FACILITY: _____

COMMERCIAL LABORATORY ADDRESS: _____

PERMIT NUMBER: WV113069 OUTLET NUMBER: 001WASTeload FOR THE MONTH OF: 20

INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter		Quantity					Other Units					Measurement Frequency	Sample Type
		Minimum	Avg. Monthly	Max Daily	Units	N.E.	Minimum	Avg. Monthly	Max Daily	Units	N.E.		
Flow 50050	Reported				lb/day					MGD			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor			1/discharge	**
Oil and Grease 00556	Reported				lb/day					mg/l			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor			1/discharge	***
Total Suspended Solids 00530	Reported				lb/day					mg/l			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor			1/discharge	***
pH 00400	Reported									S.U.			
	Permit Limitation	N/A	N/A	N/A			6.0	N/A	9.0			1/discharge	Grab
Chloroform 32106	Reported									ug/l			
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	0.19			1/discharge	****
	Reported												
	Permit Limitation												

Name of Principle Executive Officer	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	Date Completed
Title of Officer		Signature of Principal Executive Officer or Authorized Agent

Appendix A

I. MANAGEMENT CONDITIONS:

1. Duty to Comply

- a) The permittee must comply with all conditions of this permit. Permit noncompliance constitutes a violation of the CWA and State Act and is grounds for enforcement action; for permit modification, revocation and reissuance, suspension or revocation; or for denial of a permit renewal application.
- b) The permittee shall comply with all effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit at least 180 days prior to expiration of the permit.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

4. Permit Actions

This permit may be modified, revoked and reissued, suspended, or revoked for cause. The filing of a request by the permittee for permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

6. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as required in Title 47, Series 10, Section 4.6 of the West Virginia Legislative Rules.

7. Transfers

This permit coverage is not transferrable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable specified time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, suspending, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

9. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

10. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a) Enter upon the permittee's premises in which an effluent source or activity is located, or where records must be kept under the conditions of this permit;
- b) Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
- c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the State Act, any substances or parameters at any location.

11. Permit Modification

This permit may be modified, suspended, or revoked in whole or in part during its term in accordance with the provisions of Chapter 22-11-12 (of the Code of West Virginia).

12. Water Quality

The effluent or effluents covered by this permit are to be of such quality so as not to cause violation of applicable water quality standards adopted by the Environmental Quality Board.

13. Outlet Markers

A permanent marker at the establishment shall be posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.

14. Liabilities

- a) Any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
- b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- c) Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- d) Nothing in C.14 a), b), and c) shall be construed to limit or prohibit any other authority the Director may have under the State Water Pollution Control Act, Chapter 22, Article 11.

II. OPERATION AND MAINTENANCE:

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

3. Bypass

- a) Definitions
 - (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of II.3.c) and II.3.d) of this permit.
- c)
 - (1) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass;
 - (2) If the permittee does not know in advance of the need for bypass, notice shall be submitted as required in IV.2.b) of this permit.
- d) Prohibition of bypass
 - (1) Bypass is permitted only under the following conditions, and the Director may take enforcement action against a permittee for a bypass, unless;
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (C) The permittee submitted notices as required under II.3.c) of this permit.
 - (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in II.3.d.(1) of this permit.

4. Upset

- a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitation if the requirements of II.4.c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in IV.2.b) of this permit.
 - (4) The permittee complied with any remedial measures required under I.3. of this permit.
- d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

Where removed substances are not otherwise covered by the terms and conditions of this permit or other existing permit by the Director, any solids, sludge, filter backwash or other pollutants (removed in the course of treatment or control of wastewater) and which are intended for disposal within the State, shall be disposed of only in a manner and at a site subject to the approval by the Director. If such substances are intended for disposal outside the State or for reuse, i.e., as a material used for making another product, which in turn has another use, the permittee shall notify the Director in writing of the proposed disposal or use of such substances, the identity of the prospective disposer or users, and the intended place of disposal or use, as appropriate.

III. MONITORING AND REPORTING:

1. Representative Sampling, Sample Type and Sampling Period

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. Reporting

- a) Permittee shall submit each quarter, according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration, the values of the constituents listed in Part A analytically determined to be in the effluent(s). DMR submissions shall be made in accordance with the terms contained in Section C of this permit.
- b) Enter reported average and maximum values under "Quantity" and "Concentration" in the units specified for each parameter, as appropriate.
- c) Specify the number of analyzed samples that exceed the allowable permit conditions in the columns labeled "N.E." (i.e., number exceeding).
- d) Specify frequency of analysis for each parameter as number of analyses/specified period (e.g., 3/month is equivalent to 3 analyses performed every calendar month). If continuous, enter "Cont.". The frequency listed on format is the minimum required.

3. Test Procedures

Samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136, unless other test procedures have been specified elsewhere in this permit.

4. Recording of Results

For each measurement or sample taken pursuant to the permit, the permittee shall record the following information.

- a) The date, exact place, and time of sampling or measurement;
- b) The date(s) analyses were performed;
- c) The individual(s) who performed the sampling or measurement;
- d) The individual(s) who performed the analyses; if a commercial laboratory is used, the name and address of the laboratory;
- e) The analytical techniques or methods used, and
- f) The results of such analyses. Information not required by the DMR form is not to be submitted to this agency, but is to be retained as required in III.6.

5. Additional Monitoring by Permittee

If the permittee monitors any pollutant at any monitoring point specified in this permit more frequently than required by this permit, using approved test procedures or others as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

6. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

7. Definitions

- a) "Daily discharge" means the discharge of a pollutant measured during a calendar day or within any specified period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.
- b) "Average monthly discharge limitation" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- c) "Maximum daily discharge limitation" means the highest allowable daily discharge.
- d) "Composite Sample" is a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite. The maximum time period between individual samples shall be two hours.
- e) "Grab Sample" is an individual sample collected in less than 15 minutes.
- f) "is" = immersion stabilization - a calibrated device is immersed in the effluent stream until the reading is stabilized.
- g) The "daily average temperature" means the arithmetic average of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.
- h) The "daily maximum temperature" means the highest arithmetic average of the temperatures observed for any two (2) consecutive hours during a 24 hour day, or during the operating day if flows are of shorter duration.
- i) "Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or which a relationship to absolute volume has been obtained.
- j) "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.
- k) "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- l) "CWA" means the Clean Water Act.
- m) "Director" means the Director of the Division of Water & Waste Management, Division of Environmental Protection or their designated representative.
- n) "Facility Registration Application Form" means the form(s) designated by the Director for the purpose of making application for coverage under a general permit.
- o) "Trout Streams" means any waters which meet the definition of Section 2.19 of 46 CSR1.

IV. OTHER REPORTING:

1. Reporting Spills and Accidental Discharges

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to Title 47, Series 11, Section 2 of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11.

Attached is a copy of the West Virginia Spill Alert System for use in complying with Title 47, Series 11, Section 2 of the Legislative rules as they pertain to the reporting of spills and accidental discharges.

2. Immediate Reporting

- a) The permittee shall report any noncompliance which may endanger health or the environment immediately after becoming aware of the circumstances by using the Agency's designated spill alert telephone number. A written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- b) The following shall also be reported immediately:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit; and
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported immediately. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.
- c) The Director may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.
- d) Compliance with the requirements of IV.2 of this section, shall not relieve a person of compliance with Title 47, Series 11, Section 2.

3. Reporting Requirements

- a) Planned changes. The permittee shall give notice to the Director of any planned physical alterations or additions to the permitted facility which may affect the nature or quantity of the discharge. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in Section 13.7.b of Series 10, Title 47; or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under IV.2 of this section.
- b) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under the above paragraphs at the time monitoring reports are submitted. The reports shall contain the information listed in IV.2.a).